The Divine Prerogative

The Absolute Gravity of Halal and Haram

Gemini Notebook

The Exclusive Right of Legislation

Tashri'
(Legislation)

Halal and Haram are not matters of consumer preference, cultural habit, or arbitrary restriction. They are definitive boundaries drawn by Allah SWT.

The ultimate right to declare a substance permissible or prohibited belongs to Allah alone. To arbitrarily declare a product halal or haram without divine evidence is to usurp a right that belongs exclusively to the Creator.

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The Forged Lie

وَلَا تَقُولُوا۟ لِمَا تَصِفُ أَلْسِنَتُكُمُ ٱلْكَذِبَ هَٰذَا حَلَٰلٌ وَهَٰذَا
حَرَامٌ لِّتَفْتَرُوا۟ عَلَى ٱللَّهِ ٱلْكَذِبَ ۚ إِنَّ ٱلَّذِينَ يَفْتَرُونَ
عَلَى ٱللَّهِ ٱلْكَذِبَ لَا يُفْلِحُونَ

"And do not say about what your tongues assert of untruth, 'This is lawful and this is unlawful,' to invent falsehood about Allah. Indeed, those who invent falsehood about Allah will not succeed."

A direct, absolute condemnation of making casual, baseless declarations regarding what is Halal and Haram.

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The Original Norm: Boundless Permissibility

Al-Asl fil Ashya al-Ibahah (The default state of all things is permissible)

هُوَ الَّذِي خَلَقَ لَكُم مَّا فِي الْأَرْضِ جَمِيعًا... (29) [البقرة]

"It is He Who has created for you all things that are on the earth."
[Qur'ān, 2:29]

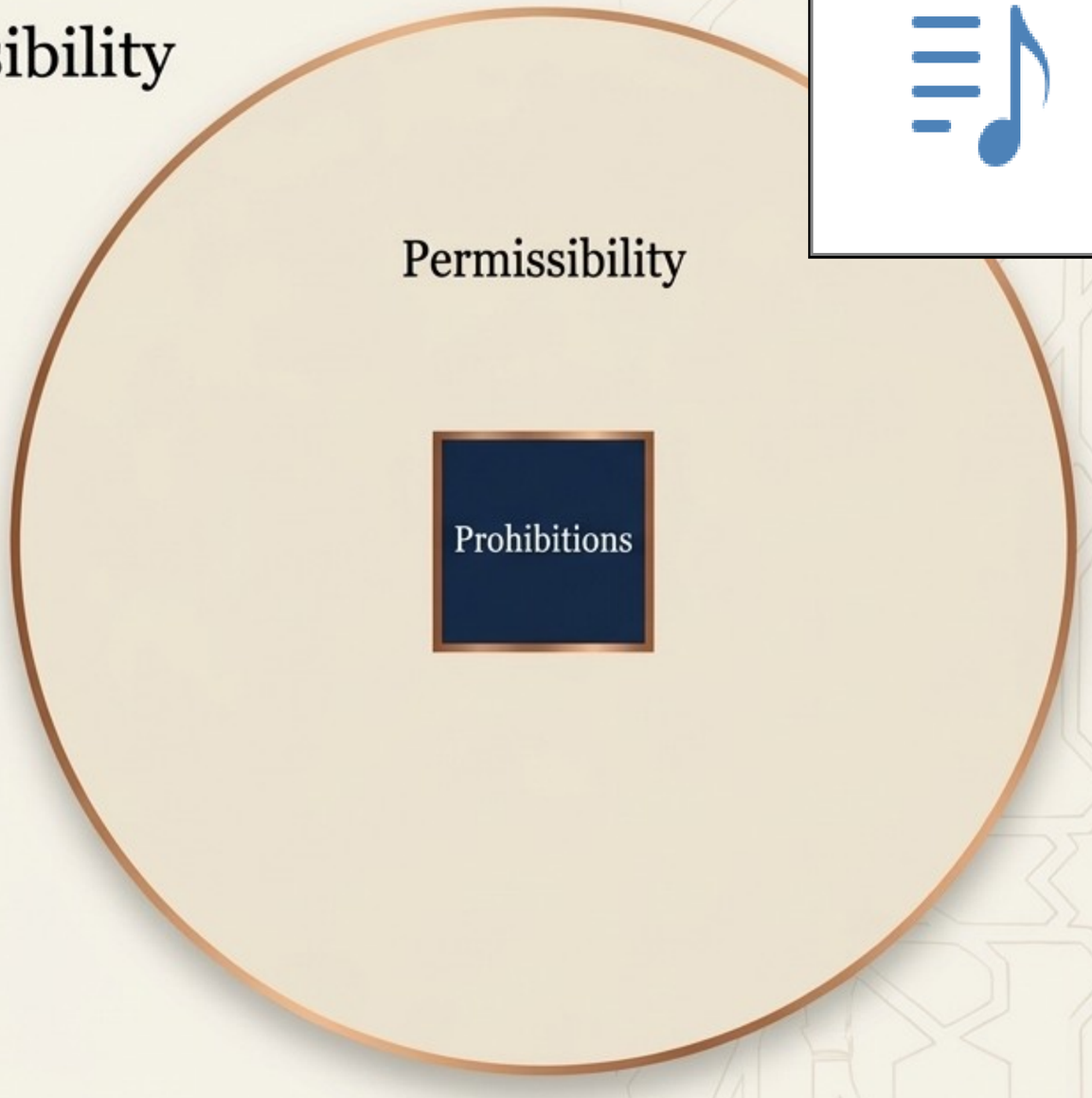
A favour from which human kind benefits which naturally necessitates permission.

قُلْ مَنْ حَرَّمَ زِينَةَ اللَّهِ الَّتِي أَخْرَجَ لِعِبَادِهِ وَالطَّيِّبَاتِ مِنَ الرِّزْقِ ... (32) [الأعراف]

"Say: Who has forbidden the beauty of Allah that He has produced for His servants, and the clean and pure sustenance?"
[Qur'ān, 7:32]

Reproach for one who forbids the beauty of Allah and clean and pure sustenance indicating that Allah has created things with a normative ruling of permission.

Say: "I find not in that which has been revealed to me anything forbidden to be eaten by one who wishes to eat it unless it be carrion, or blood poured forth, or the flesh of swine…" (Quran 6:145)



Before declaring any product Haram, clear and definitive proof is required.
The universe was created for human benefit; restriction requires re[illegible]

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The Twin Transgressions

Tahrim al-Halal

Forbidding the Permissible (Making Halal into Haram)

- **Driven By:** False piety, ignorance, or excessive paranoia (Waswasah).
- **Result:** Creates undue hardship, exceeds divine limits, and rejects the blessings Allah has provided.

Tahlil al-Haram

Permitting the Forbidden (Making Haram into Halal)

- **Driven By:** Ignorance, desire for economic gain, or negligence.
- **Result:** Causes the Muslim community to consume filth, corrupts spiritual purity, and blocks the acceptance of Du'a.

Both extremes are an equal infringement on the ultimate legislative authority of Allah SWT.

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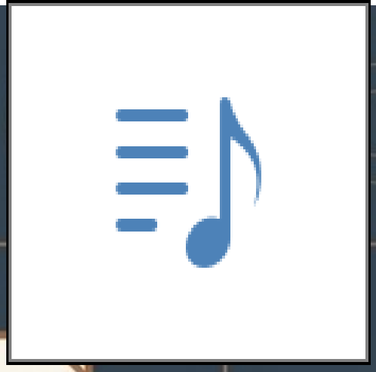
Transgression I: Forbidding the Pure



> O you who believe! Do not forbid (yourselves) the good things which Allah has made lawful for you and do not exceed the limits; surely Allah does not love those who exceed the limits.
> (Quran 5:87)

> Say: Who has forbidden the beauty of Allah that He has produced for His servants, and the clean and pure sustenance?
> (Quran 7:32)

Insight: Arbitrarily declaring a clean, permissible product to be Haram without evidence is an act of overstepping (exceeding the limits). Islam rejects unwarranted strictness and the manufacturing of artificial religious hardship.

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Transgression II: Permitting the Filthy

قُلْ أَرَأَيْتُم مَّآ أَنزَلَ ٱللَّهُ لَكُم مِّن رِّزْقٍ فَجَعَلْتُم مِّنْهُ حَرَامًا وَحَلَٰلًا قُلْ ءَآللَّهُ أَذِنَ لَكُمْ أَمْ عَلَى ٱللَّهِ تَفْتَرُونَ

Say: 'Do you see what Allah has sent down to you for sustenance and you make of it lawful and and unlawful?'
(Quran 10:59)

Insight: To declare a product 'Halal' when it contains prohibited elements (like pork derivatives, intoxicants, or improperly slaughtered meat) is a profound spiritual hazard. It deceives the believer and results in the consumption of Al-Khabâ'ith (the evil and unlawful), which taints the body and spirit.

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The Epistemology of Food

The Clear Halal

Explicitly permitted. Requires no debate (e.g., fresh vegetables, water).

The Doubtful (*Mushbooh*)

Between the two of them are doubtful matters about which many people do not know. (Hadith of Nu'man bin Bashir)

The Clear Haram

Explicitly forbidden by text (e.g., pork, flowing blood, intoxicants).

The Mushbooh zone is where the risk of falsely swapping Halal and Haram is highest. It is here that investigation, caution, and knowledge become mandatory.

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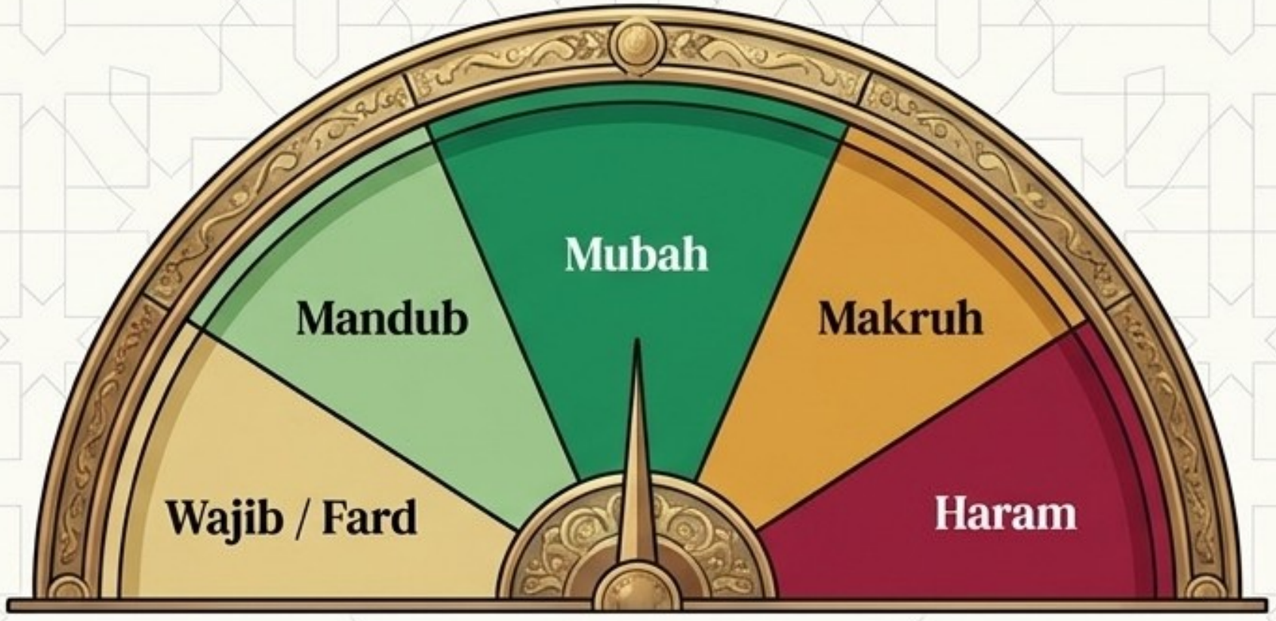
The Shariah Grading of Food Consumption (کامِ اکّل



Wajib / Fard	Mandub	Mubah	Makruh	Haram
Obligatory: Consuming quantities strictly necessary to preserve human life, limb, and basic bodily functions during hunger or emergency.	**Recommended:** Consuming wholesome food with the explicit intention (*Niyyah*) of gaining physical strength to execute acts of worship (*Ibadah*).	**Permissible / Neutral:** Standard consumption of pure, clean, and non-harmful foods for general nourishment and physical pleasure. The Default.	**Disliked:** Overeating to physical discomfort and waste (*Israf*), or consuming foods that are culturally repulsive but textually permitted.	**Forbidden:** Consuming textually prohibited, harmful, toxic, or ritually ritually impure substances.

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The Paradigm of Dietary Law

Textual Sources
الأدلة النقلية
The divine revelation (Qur'an & Sunnah) establishing the absolute baselines of prohibition and permission.
Juristic Reasoning
الاجتهاد والقياس
The intellectual scaffolding used to extrapolate rulings for novel, unmentioned items based on underlying causes ('Illah).
Modern Governance
الفتوى والرقابة
The application of classical fatwa and scientific verification to complex, industrial food technology today.

A dynamic legal ecosystem where timeless revelation meets modern food science.

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Divine Revelation (وحی)

The Quran and Sunnah.

The Ultimate Standard:
Provides absolute certainty on what benefits or harms the human soul, superseding flawed human perception.

Human Intellect (عقل)

Wisdom and reasoning. Distinguishes humans from animals.

Limitation:
Intellect is bounded and subjective. Reaches a limit.

Limitation:
Basic perception shared with animals. Cannot discern unseen spiritual harms.

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Sources of Permissibility and Prohibitio

The Rulings of Fiqh

Al-Quran
الْقُرْآنُ

The direct word of Allah providing the definitive baseline of prohibitions.

Al-Sunnah
السُّنَّةُ

The sayings and actions of Prophet Muhammad (PBUH) which clarify and expand upon the Quran.

Ijma
الْإِجْمَاعُ

The unanimous agreement of Islamic scholars on a specific ruling.

Qiyas
الْقِيَاسُ

Applying established rulings to modern equivalents via analogical reasoning.

⚠ **Note:** Human preference or cultural disgust does not dictate Shari'ah.

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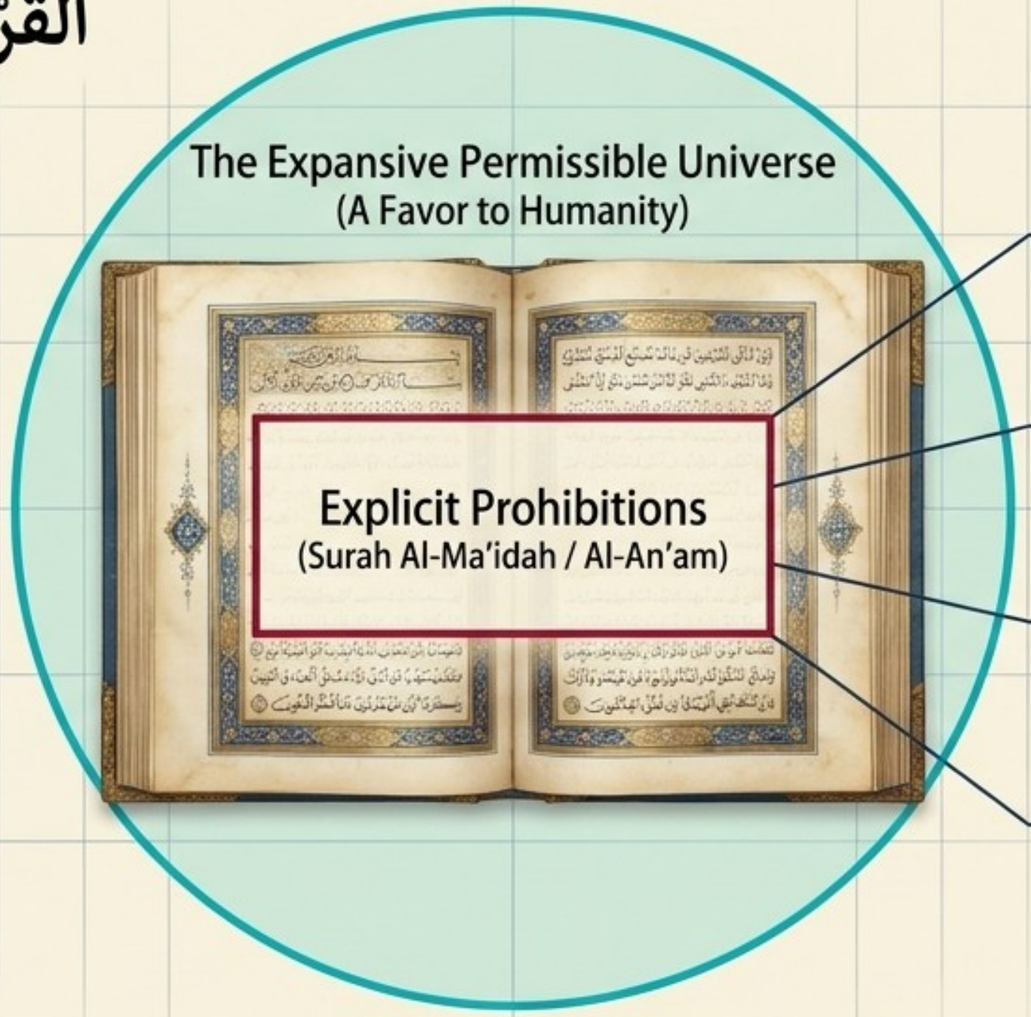
Primary Sources I: The Decisive Text

القُرْآنَ الكَرِيمُ والنَّصّ القَطعِي



- Carrion / Dead Meat (الميتة)
- Flowing Blood (الدم المسفوح)
- Flesh of Swine (لحم الخنزير)
- Meat dedicated to other than Allah (وما أهل لغير الله به)

The Qur'an establishes core, immutable prohibitions while leaving the vast majority of creation open by default.

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Primary Sources II: The Explicating Authority

السَّنَة النَّبويَّةُ المبيِّنَة

Broad Qur'anic Mandates

Adding Boundaries

- Prohibiting terrestrial predators with fangs (lions, wolves).
- Prohibiting birds of prey with talons (eagles, hawks).
- Prohibiting the domesticated donkey.
- Animals forbidden to kill (ants, bees, hoopoe).

Creating Exemptions

- Exemptions to "Carrion": Fish and Locusts.
- Exemptions to "Blood": Liver and Spleen.

The Prophetic Sunnah

(Statements & Actions)

السَّنَةُ النَّبوِيَّة

The Sunnah operates as the operational lens, detailing and defining the boundaries of revelation.

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Derivative Sources: The Engine of Analogy
القياس

The Original Text (الأصل)

The classical, textually established ruling.

Example: Wine is Haram.

The Effective Cause (العِلَّة)

The diagnostic characteristic triggering the ruling.

Example: It induces intoxication.

The Modern Target (الفرع)

The contemporary product being evaluated.

Result: Synthetic Ethanol is Haram for consumption.

Core Insight: Rulings revolve around their strict juristic causes (*'Illah*), not assumed medical or cultural wisdoms (*Hikmah*). If the *'Illah* is present, the ruling applies.

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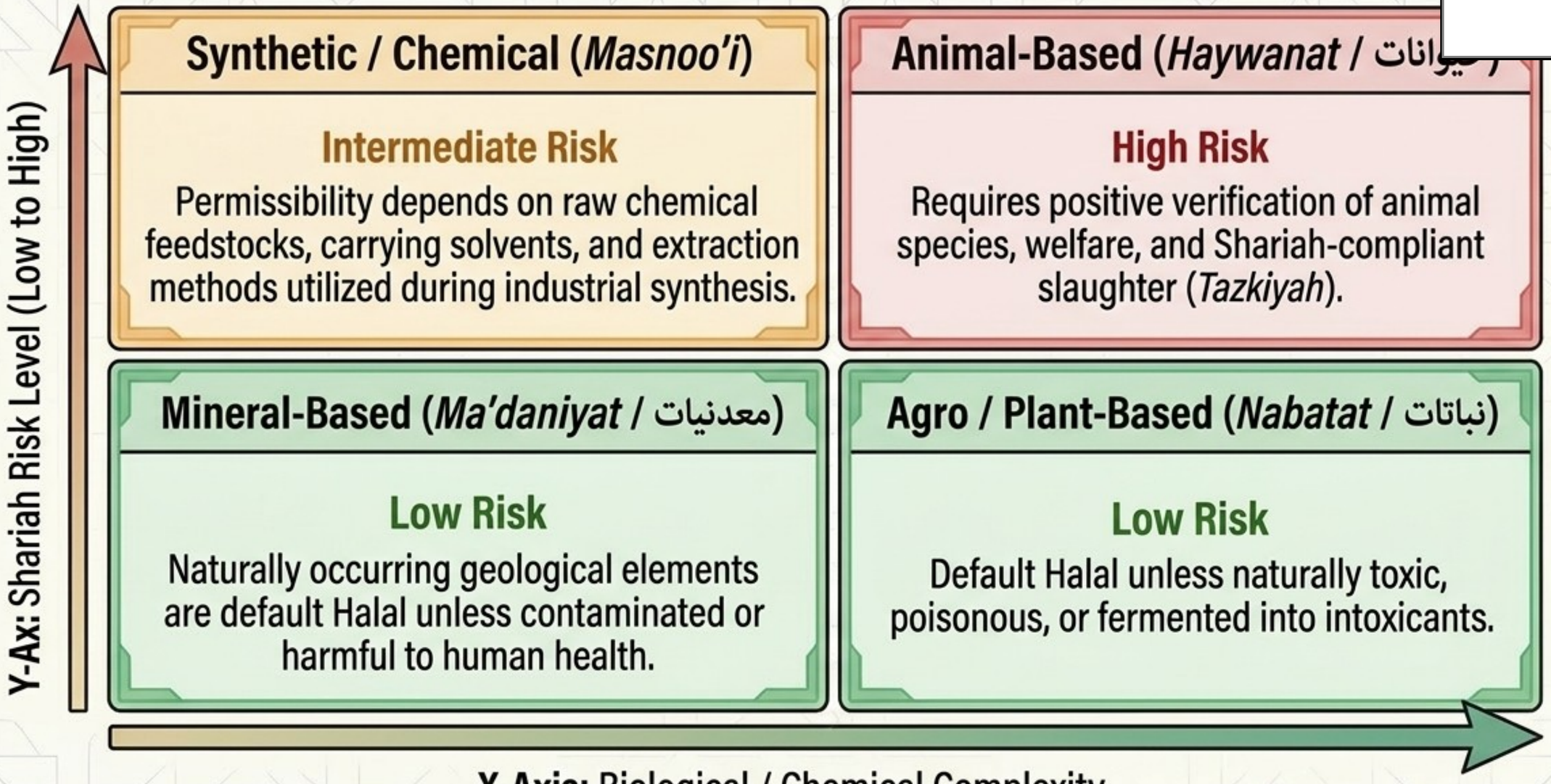
Usul al-Ayn (اصولِ عین): The Four-Fold Sourcing Taxon


Synthetic / Chemical (*Masnoo'i*)
Intermediate Risk
Permissibility depends on raw chemical feedstocks, carrying solvents, and extraction methods utilized during industrial synthesis.
Animal-Based (*Haywanat* / حیوانات)
High Risk
Requires positive verification of animal species, welfare, and Shariah-compliant slaughter (*Tazkiyah*).
Mineral-Based (*Ma'daniyat* / معدنیات)
Low Risk
Naturally occurring geological elements are default Halal unless contaminated or harmful to human health.
Agro / Plant-Based (*Nabatat* / نباتات)
Low Risk
Default Halal unless naturally toxic, poisonous, or fermented into intoxicants.
Y-Ax: Shariah Risk Level (Low to High)
X-Axis: Biological / Chemical Complexity

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Madhhabs & Differences of Interpretation

المذاهب الفقهية واختلاف الإجتهاد

Methodologies of Divergence		
Subject	**Ḥanafī Approach**	**Shāfiʿī / Ḥanbalī / Mālikī Approach**
Seafood (صيد البحر)	Restricts definition to ‘fish’ (*Samak*) based on specific interpretations of permitted aquatic life. Excludes shellfish/crustaceans.	Broad interpretation of Qur’anic permission for ‘water game.’ All sea creatures **fundamentally *halal***.
Industrial Transformation (*Istihalah*)	Focuses on **CURRENT PHYSICAL STATE**. If chemically changed entirely, it **becomes pure**.	Focuses on **ORIGIN**. Strict requirement that source material must be **fundamentally *halal***.

The Root of Disagreement: Divergence arises from distinct methodologies in linguistic encapsulation, evidence weighting, and definitions of what constitutes ‘repulsive’ (*Khaba’ith*).

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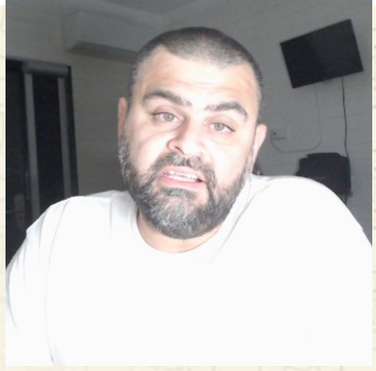

Difference as Mercy

اِلْاخْتِلَافُ رَحْمَةٌ

Legitimate scholarly disagreement provides the Ummah with necessary operational flexibility.

Food-Scarce Environments

Rulings taking a broader view of permissibility prevent starvation and undue hardship in barren geographies.

Industrial Manufacturing

Recognizing ‘Istihalah’ allows Muslims to navigate complex, highly processed modern supply chains without paralyzing restriction.

Cultural Nuance

Rulings relying on customary definitions of ‘wholesome’ allow local cultures to retain distinct dietary identities within Shari’ah bounds.

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